

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Applicant: Shimek et al. Patent No. 5,941,237
Patent Filed: January 19, 1996 Patent Granted: August 24, 1999
Assignee: Hearth Technologies Inc. Reissue Docket No.: 12929.1033USRE
Reissue Filed: August 23, 2001
Title: UNIVERSAL NON-POROUS FIBER REINFORCED COMBUSTION
CHAMBER FIREPLACE

CERTIFICATE UNDER 37 CFR 1.10	
'Express Mail' mailing label number:	<u>EL 815526041 US</u>
Date of Deposit:	August <u>23</u> , 2001
I hereby certify that this correspondence is being deposited in the United States Postal Service 'Express Mail Post Office to Addressee' service under 37 CFR 1.10 on <u>August 23</u> , 2001 and is addressed to the Box Reissue, Assistant Commissioner for Patents, Washington, D.C. 20231.	
By:	<u>Omesh Singh</u>
Name:	<u>OMESH SINGH</u>

DECLARATION OF RONALD JOHN SHIMEK
UNDER 37 C.F.R. § 1.175

I, Ronald John Shimek, declare as follows:

1. I am a citizen of the United States residing at 2955 Foxhollow N.W., Prior Lake, Minnesota 55372.
2. I am an original and first co-inventor, along with Daniel Curtis Shimek, of the invention described and claimed in U.S. Patent No. 5,941,237, granted on August 24, 1999, and described and claimed in the accompanying reissue application.
3. I have reviewed and understand the contents of the specification and claims of the reissue application.
4. I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56.
5. I believe the original patent claims have a scope that is confusing or claims less in some respects than I had a right to claim in the patent.

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By: Omesh Singh

Name: Omesh Singh

DECLARATION OF DANIEL CURTIS SHIMEK
UNDER 37 C.F.R. § 1.175

I, Daniel Curtis Shimek, declare as follows:

1. I am a citizen of the United States residing at 5260 West 132nd Street, Apply Valley, Minnesota 55124.
2. I am an original and second co-inventor, along with Ronald John Shimek, of the invention described and claimed in U.S. Patent No. 5,941,237, granted on August 24, 1999, and described and claimed in the accompanying reissue application.
3. I have reviewed and understand the contents of the specification and claims of the reissue application.
4. I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with 37 C.F.R. § 1.56.
5. I believe the original patent claims have a scope that is confusing or claims less in some respects than I had a right to claim in the patent.

6. Some of the existing claims contain both the terms "vitreous alumina silicate fibers" and "refractory ceramic fibers." This claim language is confusing and requires amendment. New claims are included in this application to correct this deficiency in the existing claims, and additional claims have been added to subject matter we intended to claim.

7. The amendments introduce the appropriate claim scope. The original patent claims and the claims contained in this application were filed without any deceptive intent.

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

9. I authorize Merchant & Gould P.C. to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Date: 8/22, 2001

By: *Daniel Curtis Shimek*
Daniel Curtis Shimek



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By: Omesh Singh

Name: OMESH SINGH

CONSENT BY ASSIGNEE UNDER 37 C.F.R. § 1.172

-AND-

PROOF OF OWNERSHIP UNDER 37 C.F.R. § 3.73

BOX REISSUE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Hearth Technologies Inc., an Iowa corporation having a place of business at 414 East Third Street, Muscatine, Iowa, certifies that it is the assignee of the entire right, title, and interest in the original U.S. Patent No. 5,941,237, granted on August 24, 1999, to Shimek et al. entitled "UNIVERSAL NON-POROUS FIBER REINFORCED COMBUSTION CHAMBER FIREPLACE," by virtue of an assignment.

Originally, the inventors Ronald J. Shimek and Daniel C. Shimek assigned their entire right, title, and interest in U.S. Patent No. 5,941,237 to Heat-N-Glo Fireplace Products, Inc. This assignment was recorded in the Patent and Trademark Office on January 12, 2000, at Reel 010539, Frame 0707. Subsequently, Heat-N-Glo Fireplace Products, Inc. merged with Heatilator Inc., wherein Heatilator obtained the entire right, title, and interest in U.S. Patent No. 5,941,237. This merger was recorded in the Patent and Trademark Office on January 12, 2000, at Reel 010539, Frame 0832. Heatilator Inc. later changed its name to Hearth Technologies Inc, wherein Hearth Technologies obtained the entire right, title, and interest in U.S. Patent No. 5,941,237. Such change of name was recorded in the Patent and Trademark Office on January 6, 2000, at Reel 010539, Frame 0717.

Assignee, Hearth Technologies Inc., hereby consents to the accompanying application for reissue of U.S. Patent No. 5,941,237.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please direct all correspondence in this application to:

Matthew A. Doscotch
Merchant & Gould P.C.
3200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402-2215
(612) 332-5300

By: ERL

Name: Eric Hawkins

Title: VP of Engineering

[illegible]